

TA No. 552 of 2015(O&M)

1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA No. 552 of 2015(O&M)
Date of decision: 17.02.2016

Harpreet Kaur Walia

....Applicant

Versus

Manmeet Singh

....Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH DHALIWAL

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?
- 2) To be referred to the Reporters or not ?
- 3) Whether the judgment should be reported in the Digest ?

Present: - Mr. D.S. Sobti, Advocate for the applicant.

Mr. B.D. Sharma, Advocate for the respondent.

PARAMJEET SINGH DHALIWAL, J. (ORAL)

Reply to the application has been filed in Court today and the same is taken on record.

Instant petition under Section 24 of the Code of Civil Procedure has been filed seeking transfer of petition under Section 9 of the Hindu Marriage Act (for short 'the Act') titled '**Manmeet Singh Vs. Harpreet Kaur Walia**', filed by respondent-husband from the Court at Jalandhar to the Court of competent jurisdiction at Ludhiana.

I have heard learned counsel for the parties and perused the record.

Learned counsel for the applicant contended that respondent

has filed petition under Section 9 of the Act, which is pending in the Court of learned Civil Judge (Senior Division), Jalandhar. Now applicant along with her minor children is residing at Ludhiana. It is further contended that a petition under Section 12 of the Protection of Women From Domestic Violence Act, 2005 against the respondent-husband is pending at Ludhiana. Learned counsel for the applicant relied upon the judgment of Hon'ble Supreme Court in **Deepti Bhandari v. Nitin Bhandari and another**, 2012(1)R.C.R.(Civil) 506 and contended that the applicant has minor children and has no source of income. It would be easier for the respondent-husband as well to attend the proceedings in Ludhiana than for the applicant to attend the same in Jalandhar. Therefore, the petition under Section 9 of the Act may be transferred to Ludhiana.

Per contra, learned counsel for the respondent vehemently opposes the contentions of learned counsel for the applicant and contended that presence of the applicant is not required on every date in the aforementioned suit pending in Jalandhar.

In view of the submissions made by learned counsel for the applicant, for the circumstances mentioned in the application, pendency of other proceedings between the parties at Ludhiana and keeping in view the decision of the Hon'ble Supreme Court in **Deepti Bhandari** (supra), this Court is of the view that it would be in the interest of the respondent as well that all proceedings are tried at one place as he will

not be required to appear at different places on different dates. Accordingly, petition under Section 9 of the Act pending in the Court of learned Civil Judge (Senior Division), Jalandhar is withdrawn and ordered to be transferred to learned District Judge, Ludhiana, who may assign the same to the Court of competent jurisdiction there. Learned Civil Judge (Senior Division), Jalandhar, shall ensure that entire record of the case is sent to learned District Judge, Ludhiana. The parties are directed to appear before the learned District Judge, Ludhiana on 04.03.2016.

Disposed of.

February 17, 2016
kanchan

(Paramjeet Singh Dhaliwal)
Judge